



Arizona Peace Officer Standards and Training Board

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Minutes of Meeting July 18, 2018

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on July 18, 2018, at the Little America Hotel in Flagstaff, AZ.

Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich
Sergeant Chris Andreacola, Tucson Police Department
Sergeant Leo Aparicio, Pinal County Sheriff's Office
Sheriff Mark Dannels, Cochise County Sheriff's Office
Chief Byron Gwaltney, Pima County Sheriff's Department
Chief Lawrence Hall, Buckeye Police Department
Mr. Andrew LeFevre, Grand Canyon University
Colonel Frank Milstead, Arizona Department of Public Safety
Chief Alan Rodbell, Scottsdale Police Department
Director Charles Ryan, Arizona Department of Corrections

Members Absent:

Mr. Richard Wooten, Public Member

Staff in Attendance:

Jack G. Lane, Executive Director
Dan Ciernia, Video Production Supervisor
Marie Dryer, Program Administrator
Steve Enteman, Training Supervisor
Steve Jacobs, Compliance Specialist
Mike Orose, Compliance Specialist
Mark Perkovich, Program Administrator
Sandy Sierra, Administrative Services Officer

Assistant Attorneys General:

Seth Hargraves
Elizabeth Campbell

A. Call to Order

Chairman Mascher called the meeting to order at 2:00 p.m. and asked Sheriff Joseph Dedman Jr. from the Apache County Sheriff's Office to lead everyone in reciting the Pledge of Allegiance and to open the meeting with a traditional prayer/blessing.

B. Introductions, Presentations and Announcements

Jack G. Lane, Executive Director

- Assistant Attorney General Elizabeth Campbell will provide legal advice to the Board on the Ricardo Ugarte and Taylor Barlow cases.
- Assistant Attorney General Seth Hargraves will be replacing Michael Saltz and will now be assigned to AZPOST.
- A plaque was presented to former AZPOST Assistant Attorney General Michael Saltz. Mike served at AZPOST from May 2014 to July 2018.
- Two items on the consent agenda are being amended. The consent agreement for Jeffery Wilson was not returned to AZPOST on time and will be moved to the August meeting. All training deficiencies can be removed from the agenda as those deficiencies have been taken care of.

C. Consent Agenda

Mr. LeFevre made a motion to accept the Consent Agenda as amended. The motion was seconded by Chief Rodbell. The motion passed unanimously.

1. Minutes of the Board meeting held on May 16, 2018, were approved as written.
Minutes of the Board meeting held on June 20, 2018, were approved as written.
2. Ministerial Actions:

Certification Waivers:

Raul Martinez Jr.	Yavapai County Sheriff's Office
Jason S. Fulmer	AZ State University PD
Vanessa M. Scott	Colorado River Indian Tribes PD
Kenneth W. Silvia	Maricopa County Attorney's Office
Chanelle Preston	Yavapai-Apache Nation PD
Crystal Ann Frei	Greenlee County Sheriff's Office
Billy Wayne Perry	Mohave County Sheriff's Office
Brady M. Cox	Peoria Police Department
Ralph L. Brown III	University of Arizona PD

3. Income and Expense Statement – May 2018

Funds as of May 1, 2018	\$1,686,447.76
CJEF Revenue (May 2018)	591,506.68
Misc. Revenue (May 2018)	43.28
Expenditures for May 2018	(423,539.54)
Balance as of May 31, 2018	\$1,854,478.18

D. Executive Director’s Report

Jack G. Lane, Executive Director

- The budget is looking better than it has in years. We are actually taking in more than we are spending. Any carry forward money will be used to support basic training.
- Executive Director Lane will be retiring effective October 31, 2018. He recommended that the Board fill his position as soon as possible in order to streamline the transition. The Chairman thanked Jack for his outstanding service and agreed to move quickly on filling his position. He appointed a subcommittee made up of Sheriff Dannels, Chief Hall, Colonel Milstead and Director Ryan to proceed with a selection process and is hoping to have a firm idea or have an appointment at the August meeting. Chief Rodbell made a motion to establish an Executive Director Selection Subcommittee. The motion was seconded by Colonel Milstead and passed unanimously.

E. Legislative Update

Jack G. Lane, Executive Director

HB 2065 and HB 2649 are two new bills that impact us. Both bills concern public meetings and the posting of recordings, minutes and orders on our website.

F. Summary of Current Events

Jack G. Lane, Executive Director

A new full time academy will be opening in Cochise County. Sheriff Dannels provided information regarding the academy and stated if anyone is interested to call his office.

G. Reports – Department of Corrections

Director Charles Ryan

- Since the last regular meeting of May 2018, 65 cadets have graduated from COTA. There are currently four classes in session with 128 cadets in attendance. There are 965 vacancies statewide. Seventeen cadets have graduated through county and tribal detention IGAs. COTA continues to offer its facility to other agencies. One applicant participated in the waiver process. There are no prison beds on the horizon.

In-Service Training

Training Supervisor Steve Enteman

- Digital Media has released the Arizona Intimate Partner Risk Assessment Instrument System (APRAIS) Overview for Law Enforcement. The APRAIS training for command staff is currently in pre-production.
- The AZ Peace Officer Memorial was recorded by the Digital Media Unit.
- The Digital Media Unit continues to provide excellent training videos available through our Sharefile system.
- Four classes held throughout the state the past three months.
- For FY 17/18, the Training Unit coordinated or trained 1700 students through our various classes.

Basic Training Academies

- Chandler-Gilbert Community College – Director Jon Terpay reported Class #19 recently graduated with 10 recruits. Class #20 will begin September 4, 2018; 16 recruits are currently in the background process for this class. They are hosting Mesa PD’s Rapid Deployment Training at the academy.
- Mesa PD – Marie Dryer reported for Mesa PD Academy. She stated Class #41 graduated on June 14, 2018, with 28 recruits. Class #42 began July 16, 2018, with 39 recruits.
- Pima Community College – Marie Dryer reported for the Pima Community College Academy. She stated on May 18, 2018, they graduated Class #8 with six open enrollee candidates. Class #9 will begin September 7, 2018.
- NARTA – Chief Black reported Class #45 begins July 30, 2018, with 37 recruits. The academy will be moving to the Prescott campus at the end of the year.
- PRPA – Commander Jennifer LaRoque reported they currently have 182 recruits on campus. They currently have an all DPS class and will have another starting in January. They don’t have any plans to charge anyone; so they are asking for in-kind resources. She thanked all the agencies providing staff to assisting in training. In FY 17/18 they had 397 recruits graduating the academy. They are partnered with Rio Salado College and do on-line testing. They also have reality based training. They are trying to standardize physical fitness training.
- SALETC – Commander Joe Puglia reported they currently have four classes in session with 132 recruits representing 30 agencies. They have integrated Virtra into the training program. They have also integrated virtual on-line learning, they will no longer use textbooks.
- WALETA – Chief Dan Doyle reported a class graduated in June with 19 recruits. Another class with 30 recruits will be starting soon. They also host a 3-week Dispatcher’s Academy.

H. Job Task Analysis (JTA) Update and Presentation

The Basic Training Curriculum is being updated and a consultant was hired to conduct a job task analysis to determine which tasks are essential for an entry level peace officer. Val Lubans is the consultant and provided a presentation to the Board on the progress thus far on determining these job tasks.

I. Final Action Cases:

1. #16-021 – Ricardo F. Ugarte – Santa Cruz County Sheriff’s Office
Mr. Ahler (AAG) recused himself from this case.

The Board received independent legal advice from Assistant Attorney General Elizabeth Campbell. All Board members identified themselves for the record and indicated that they received and reviewed the administrative record of the formal hearing in this matter.

The Board heard oral argument on the Administrative Law Judge’s (ALJ) Decision from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board, and Mr. Richard Martinez, attorney for Ricardo Ugarte. During Mr. Martinez’s presentation, he requested that Findings of Fact #13 be amended to show the correct date being March 11, 2015 and not March 11, 2013. Mr. Hargraves agreed to this amendment.

Sheriff Dannels made a motion to accept the Findings of Fact as amended. The motion was seconded by Chief Rodbell and passed unanimously.

Sheriff Dannels made a motion to accept Conclusions of Law 1-11 as proposed. The motion was seconded by Chief Rodbell and passed unanimously.

Sheriff Dannels made a motion to revoke Mr. Ugarte’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

2. #17-160 – Taylor E. Barlow – Colorado City Marshal’s Office
Mr. Ahler (AAG) recused himself from this case.

The Board received independent legal advice from Assistant Attorney General Elizabeth Campbell.

The Board heard oral argument on the request for review and reconsideration filed by Attorney Matthew Barlow on behalf of Applicant Taylor Barlow from Assistant Attorney General Seth Hargraves, attorney for the Arizona Peace Officers Standards and Training Board, and Mr. Matthew Barlow, attorney for Taylor Barlow.

Mr. LeFevre made a motion to deny Mr. Barlow’s Motion for Rehearing. The motion was seconded by Chief Hall and passed unanimously.

3. #18-009 – Victor M. Figueroa – San Luis Police Department
The Board considered comments from Assistant Attorney General Seth Hargraves. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for an 18-month suspension of Mr. Figueroa’s peace officer certification beginning January 6, 2018, and ending July 6, 2019. The motion was seconded by Colonel Milstead and passed unanimously.
4. #16-183 – Michael A. Villarreal – Pima County Sheriff’s Department
Chief Gwaltney recused himself from this case. The Board considered comments from Assistant Attorney General Seth Hargraves. Colonel Milstead made a motion to accept the Consent Agreement, Decision and Order for an 18-month suspension of Mr. Villarreal’s peace officer certification beginning November 19, 2016, and ending May 19, 2018. The motion was seconded by Chief Rodbell and passed unanimously.
5. #17-152 – Randy D. Stonecipher – Avondale Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Dembickie’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
6. #18-034 – Paul R. Kultala – Chandler Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and suspend Mr. Kultala’s peace officer certification for three years from January 31, 2018 to January 31, 2021; at which time his peace officer certification will lapse. The motion was seconded by Sheriff Dannels and passed unanimously.
7. #17-188 – Andrew T. Dembickie – AZ Department of Corrections
Director Ryan recused himself from this case. The Board considered comments from Compliance Manager Mark Perkovich. Sheriff Dannels made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Dembickie’s peace officer certification. The motion was seconded by Sergeant Aparicio and passed unanimously.
8. #17-002 – Samuel W. Zint – Surprise Police Department
The Board considered comments from Compliance Manager Mark Perkovich. Colonel Milstead made a motion to deny peace officer certification to Mr. Zint. The motion was seconded by Director Ryan and passed unanimously.

J. New Charging Cases:

1. #18-016 – John L. Schwing – Mohave County Sheriff’s Office
The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to *Initiate Proceedings* against Mr. Schwing’s peace officer certification. The motion was seconded by Chief Hall and passed unanimously.

2. #18-073 – Michael R. Terranova – Phoenix Police Department

The Board considered comments from Compliance Specialist Steve Jacobs. Chief Rodbell made a motion to *Initiate Proceedings* against Mr. Terranova's peace officer certification. The motion was seconded by Sheriff Dannels and passed unanimously.

K. Call to the Public

No one wished to address the Board during the call to the public.

L. Future Agenda Items

No future agenda items were discussed.

M. Adjournment

The meeting was adjourned at 3:36 p.m.